

REMARKS

Claims 1-38 are pending. Claims 1, 4, 9, 10, 11 and 16 have been amended. New claims 20-38 have been added to further define the invention. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the Final Office Action dated January 23, 2004, the Examiner rejected claims 1-10 under 35 U.S.C. §112, second paragraph, as being indefinite. The Applicants have amended claims 1, 4, 9, and 10 to overcome this rejection. The Examiner rejected claims 1-19 under 35 U.S.C. §103 (a) as being obvious over Barnett et al., U.S. Patent No. 6,369,840 B1 (hereinafter the Barnett reference) in view of official notice. This rejection is respectfully traversed.

The present invention relates generally to computer networks, and more specifically, to moving information within networks.

Amended Independent claim 1 recites:

A system for automatically updating a predetermined personal calendar linked to a network, comprising:

a first server linked to the network;

a second server linked to the first server, to store an events page;

a third server, linked to the first server and the second server to edit the events page;

a fourth server linked to the network, the fourth server being configured to receive update data from the third server and locate the predetermined personal calendar; and

a fifth server linked to the network and to the predetermined calendar, wherein the fifth server receives the update data from the locator, and the fifth server **automatically updates the predetermined personal calendar in accordance with the update data.**

The Examiner rejected claims 1-19 under 35 U.S.C. §103 (a) as being obvious over the Barnett reference in view of official notice. In so doing the Examiner stated “Barnett does not specifically teach the predetermined personal calendar. However, official notice is taken it would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the predetermined calendar in Barnett’s system with a predetermined personal calendar to benefit users by automatically providing them a updated personal calendar because it is easy to implement the replacement in Barnett’s system that both calendars are managed by the same controller [2204, 2206, Fig. 22]. One of ordinary skill in the art would have been motivated to modify Barnett’s system with a predetermined personal calendar to bring convenience to users.”

The Barnett reference does not disclose, teach, or suggest a system for **automatically updating a predetermined personal calendar** linked to a network as specified in amended independent claim 1. In fact, unlike the system specified in amended claim 1, the Barnett reference teaches away from the present invention and does not show a system that **“automatically updates the predetermined personal calendar in accordance with the update data”**.

The Barnett reference suggests that the prior art suffers from various deficiencies by stating “such applications do not generally provide the ability to **import**

event information from outside sources on a category-by-category basis, and then to **select** individual events from selected categories for inclusion in a **user's personal calendar**. Furthermore, such applications do not provide a multi-layered calendaring system wherein events belonging to different categories and **selected by a user** can be overlaid on one another in a single integrated calendar." (Col. 2, lines 2-10.) The Barnett reference further describes the prior art deficiencies by stating "none of these calendaring systems allow **a user to select** a category of events, **and subsequently add** individual events from the category to a personal calendar." (Col. 2, lines 23-26.) The Barnett reference then describes what is needed to overcome these deficiencies "what is further needed is a calendaring application that permits **a user to select categories of events** that are of interest, and which provides features allowing **a user to add selected events from those categories to his or her personal calendar**." (Col. 2, lines 33-37.)

The Barnett reference summarizes the invention by stating "there is provided a multi-layered online calendaring and purchasing system and method which allows a user to specify categories of events, to view events belonging to the specified categories from outside sources, and **to add selected events from the outside sources to a personal calendar**." (Col. 2, lines 51-56.)

The Barnett reference then describes in detail how the user makes selections stating "the user can subscribe to the displayed event category by clicking on Tracker button 702. Events from the event category will then appear on the Favorite Events screens 313-315, as described below. In addition, in one embodiment **the user can add individual events to his or her personal calendar** without subscribing to the

event category, by clicking on a button within the event detail page (not shown), or on a button (not shown) on screen 324 or 323.” (Col. 11, lines 28-35.)

The Barnett reference further states “A checkbox 904 is provided for each event 903. **The user can add an event 903 to his or her personal calendar** by clicking on the associated check-box 904 and clicking on button 807. Other mechanisms may be provided for adding individual events, or groups of events to the user’s personal calendar. The particular user interface configuration to be used may depend on the characteristics of the network on which system 100 is implemented.” (Col. 12, lines 8-15.)

The Barnett reference essentially teaches that **the user must manually update** his/her personal calendar with update data, the update being **automatically imported** to the user from an outside source. The Barnett reference does not teach automatically updating a predetermined personal calendar with the update data.

It is respectfully submitted that it would not have been obvious to one skilled in the art to combine the teachings of the Barnett reference and the Examiner’s official notice, as suggested by the Examiner. It is well settled that a reference must provide some motivation or reason for one skilled in the art (working without the benefit of applicant’s specification) to make the necessary changes in the disclosed device. The mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious unless the reference expressly or implicitly teaches or suggests the desirability of the modification. In re Kotzab, 55 U.S.P.Q.2d 1313, 1317-18 (Fed. Cir. 2000); In re Fitch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); In re Mills, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990).

Based on the Applicants' specification and claims, the Examiner is combining a reference that specifically teaches away from the present invention with the Examiner's official notice that it is easy to implement automatic updating of the personal calendar.

The Barnett reference explicitly teaches that the user manually selects the information to be input into the personal calendar. The Barnett reference never states that the information is automatically input into the user's personal calendar. The Examiner in hindsight, working with the benefit of the Applicants' specification and claims, states "it is easy to implement the replacement in Barnett's system that both calendars are managed by the same controller [2204, 2206, Fig. 22]". However, the controller (calendar manager 2201), is never referred to in the specification as being responsible for making the decisions as to what content is added to the users personal calendar. **This is because the Barnett reference only contemplates the user making this decision.** In fact, the Barnett reference goes to great detail outlining the process in which the user updates his/her personal calendar manually. References cannot be combined where a reference teaches away from their combination, MPEP § 2143.01 (proposed modification cannot render prior art unsatisfactory for its intended purpose or change the principle of operation of a reference). It is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Accordingly, Applicants respectfully submit that independent claim 1, as amended, distinguishes over the above-cited reference. Claims 2-10 all depend, directly or indirectly, from amended independent claim 1. Therefore, Applicants respectfully submit that claims 2-10 distinguish over the above-cited reference for the

same reasons as set forth above with respect to amended independent claim 1.

Independent claims 11, 16, 20, 30 and 35 recite limitations similar to amended independent claim 1. Specifically, claims 11, 16, 20, 30 and 35 recite using the update data to automatically update the predetermined personal calendar corresponding to the subscriber data. Therefore, independent claims 11, 16, 20, 30 and 35 also distinguish over the above-cited reference for the same reasons as set forth above with respect to amended independent claim 1.

Claims 12-15, 17-19, 21-29, 31-34, and 36-38 all depend, directly or indirectly, from amended independent claims 11, 16, 20, 30 and 35, respectively. Therefore, Applicants respectfully submit that claims 12-15, 17-19, 21-29, 31-34, and 36-38 distinguish over the above-cited reference for the same reasons as set forth above with respect to amended independent claim 1.

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Applicants believe that the foregoing amendment and remarks place the application in condition for allowance, and a favorable action is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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Date: May 24, 2004

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